

92-6
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Mr. John I. Riffer
Assistant General Counsel
Administrative Law Division
Office of General Counsel
Federal Communications Commission
Washington D.C. 20554

Aug. 9, 1997

Dear Mr. Riffer,

Normandy Broadcasting received your order dated July 24, 1997 on Friday, July 31, 1997; a fact which can be attested to by the Postmaster of Glens Falls.

Normandy has attempted in good faith to adhere to all formatics and time constraints in our reply to said Order.

Given the difficulties from both our pro se representation and our time constraints, we ask for your consideration and acceptance of our Reply as filed in a proper and timely manner.

Our thanks in advance, sir, for your forbearance.

Respectfully,


Christopher P. Lynch
President
Normandy Broadcasting Corp.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

In re Applications of
NORMANDY BROADCASTING CORP.

MM DOCKET NO. 92-6
File No. BRH-910129UR

For Renewal of License for Station
WYLR(FM) (95.9MHz)
Glens Falls, NY

LAWRENCE N. BRANDT

File No. BRH-910430MB

For A Construction Permit for a
New FM Station on 95.9 MHz at
Glens Falls, NY

RESPONSE TO ORDER RELEASED JULY 24, 1997 AND MOTION
TO REOPEN RECORD AND ESTABLISH DISQUALIFYING ISSUES
AGAINST LAWRENCE N. BRANDT

1. Normandy Broadcasting Corporation ("Normandy") responds that the charges brought against it by Brandt are at best, preposterous, and at worst, deliberate culpable lies to the Commission. Brandt's regurgitation ad nauseum of old, outdated pleadings, most disavowed by the FCC, complete this obvious sham motion. Said motion, we believe, verges on abuse of process, and appears to continue a pattern of abuse and nuisance orchestrated by Brandt's attorney against Normandy over the past decade.
2. Moreover, we state Normandy and its principal, Christopher P. Lynch have endeavored to stay within both the letter and intent of all FCC rules in its management of WLYR (FM).
3. Normandy notes, affirms and applauds the findings of the Mass Media Bureau in this pleading.
4. Normandy has maintained a constant presence in the affairs of WYLR(FM).
5. Normandy maintains office space at 217 Dix Ave, and is continually in contact with day to day operations. Normandy sends and receives mail through our studios, and 217 Dix Ave. is our sole and only drop location for ongoing UPS shipments.
6. Normandy maintains absolute control over all programming of WYLR(FM).

7. Normandy is responsible for the public service of WYLR, and maintains the quarterly public service file, which is voluminous and reflects Normandy's efforts. It is noted that Brandt's agents inspected these files, and after requesting copies, refused to pay nominal copying charges when Lynch personally offered them copies.

8. As resident of the Glens Falls area, Lynch personally monitors the Broadcasting of WYLR, further ensuring that it broadcast to the public interest.

9. We note that in setting up our LMA, a situation Normandy was forced into after years of vitriolic, unrelenting legal attacks by Brandt, Bradmark Broadcasting, AT&T Credit Corp., and others (all connected by attorney David Tillotson), and that Lynch passed up a number of potentially more lucrative offers, to work with a person who currently is FCC licensed in two other markets in this region to run commercial radio stations. Normandy believes this reflects good faith and its best efforts to run WYLR(FM) in the best of public interest and according to FCC regulation.

10. If Normandy has missed any minor point in its responsibilities Normandy and Calvin Carr stand ready, willing and able to modify their working relationship.

11. To answer Brandt's specific allegations (page 7, Motion)
a) Normandy maintains 100% control of and responsibility for meeting all standards of public service and FCC compliance. Programming for public service was designed by Normandy, instituted by Normandy, and is continuously monitored by Normandy to meet ascertained issues and is copiously documented by both the station's logs and public files. Normandy has the right to add, modify or delete any programming if in its sole discretion Normandy believes said programming does not meet the public interest. b) Lynch is indeed the General Manager and Chief Operator, and spends whatever time is necessary to ensure both FCC compliance and a high level of public service. All station employees are directly accountable to Lynch in these respects. Brandt has no knowledge of Lynch's daily duties and his statements as to Lynch's "rare if ever at the station" are baseless, although as Normandy's parking area is in open view it would be easy for an agent to drive by and stop in only when Lynch's vehicle is not there. c) The charges as to Lynch's issues list are baseless. Moreover, they are a calculated lie to the FCC in this proceeding, and should disqualify Brandt from any further consideration in this proceeding.

To wit:

Upon first contact by Brandt's agents (who throughout refused to identify their employer), Lynch contacted both Robin Peltzman and Mark Berlin of the FCC to ascertain his rights, which in this matter included the right to ask for public file copying requests in writing, to ask for receipts, and to charge a nominal fee for copying, set at equal to what the Warren County Clerk charges.

Brandt's written request for information (Exhibit 1) was odd, asking for things which his agents couldn't even explain (e.g. "Declaration Against Interest"), and asking for copies of our public file (Exhibit 1). When Lynch showed the agent these files, over two packed file cabinet drawers full, and advised him of the charge for copying, the agent told Lynch he would have to speak to his employer (Tillotson/Brandt) to approve these charges. A few days later the agent told Lynch the agent's employer did not want any copies of the programs broadcast, whereupon Lynch copied those items requested and delivered them in a timely manner. Please note in Exhibit 2, Erdmann's signed receipt for "all public file paperwork requested."

Brandt's assertion that Normandy's files "do not list a single program responsive to public issues" is disingenuous at best; in fact, a calculated lie to the Commission. His assertion that Normandy's lists were "clearly fabricated" is another lie to the Commission. All lists were placed in the public file in a timely manner by Normandy employees as per regulations.¹

11. Lynch states categorically that all requests for information and copies by Brandt's agents were handled in a timely manner, to their complete satisfaction and strictly to the letter of FCC regulations, all other allegations notwithstanding.

12. It is noted that public record shows Normandy was the subject of an FCC field inspection during the period Brandt questions. The Inspector and Lynch spent significant time reviewing the public files, and he can attest that any allegation that Normandy did not broadcast or document responsive programming since 1991 is false.

¹ It is noted that previously Tillotson (in his representation of Bradmark) played this exact game; refusing paperwork, submitting incomplete Normandy files, and drawing less than factual conclusions. Thus Lynch's contacting the FCC to ensure utter compliance with the letter of the law.

13. Normandy has always worked to maintain a very broad ascertainment of public issues. If the major problems in our community were to change, so would our lists; but they do not. Normandy stands by its lists, as filed, and states categorically that they reflect our best estimates of the actual problems which our community faces.

14. Therefore, Normandy respectfully requests that Brandt's Motion to Reopen Record and Enlarge Issues be denied, and Normandy respectfully requests a Commission investigation to ascertain 1) if Lawrence Brandt deliberately, repeatedly and calculatedly lied to the FCC in his "Motion" for the sole purpose of his personal financial gain, 2) if Lawrence Brandt should be disqualified in this matter and 3) if so disqualifies Brandt from being qualified to be a FCC licensee in any other licensed properties currently owned or operated.

Wherefore, for the foregoing reasons, Brandt's Motion should be dismissed but the record should be reopened for hearings as to whether Brandt should be disqualified in this matter and as an FCC licensee.

Respectfully Submitted,

Christopher P. Lynch, President
Normandy Broadcasting Corp.
217 Dix Ave.
Glens Falls, NY 12801

EXHIBIT 1

1/8/17

Wing 535 1-9
Mary

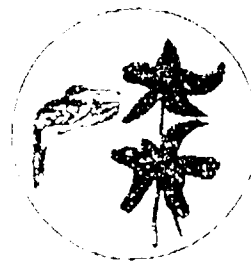
1. Power file
2. Local Marketing Agreement
3. Issues/Programme Cuts & 1st April 1991
4. MANAGEMENT Agreement
5. Time Brokerage Agreement
Power / Rent Bills
LYNCH - MANAGER - ENGINEER
DECLARATION AGAINST INTEREST
who Represents Lynch / Normandy

Don't Knight

1) JAKE JACOBSEN

Ben Vega

Seidel Claims Service



Michael Seidel

PHONE: (518) 798-1578

FAX: (518) 792-1214

30 SHERIDAN STREET
CLINTS FALLS, NY 12041

→ Robin Peltyman

→ Mark Berlin

entitled to have it copied

Rule 73.3526
"Required" pay reasonable
7 days

1202 418 1430

EXHIBIT 2

WWSC
1450 AM

Y26 FM
WY'R

GOOD NEWS!

Tendered & Rec'd \$ 12.50, Payment in full for
all public file paperwork requested from Normandy
Broadcasting Corp.

25 ISSUES ~~AND~~

~~RECEIVED~~ lists from 1941 to
present

Thomas A. Edman
Manager of Public Affairs
Normandy
Broadcasting Corp.

C. P. Lynch
Normandy Broadcasting Corp.
217 Dix Ave.
Glens Falls, NY
12801

Fold at line over top of envelope to
the right of the return address

CERTIFIED

Z 337 219 246

MAIL

Mr. John I. Riffer
Assistant General Counsel
Administrative Law Division
Office of General Counsel
Federal Communications Commission
1919 M. St., NW
Washington D.C. 20554



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